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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR09-219-RAJ
10 v.)
11 NIKOS DELANO DORSEY,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on September 30, 2011. The United States was represented by AUSA Kate
16 Vaughan and the defendant by Jay Stansell. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 24, 2004 by the Honorable James K.
18 Singleton of the District of Alaska on charges of Possession of Cocaine Base with intent to
19 Distribute, Possession of a Firearm, and Possession of a Firearm in a School Zone, and
20 sentenced to 98 months custody, six years supervised release.

21 The conditions of supervised release included the standard conditions plus the
22 requirements that defendant submit to drug testing, participate in mental health treatment,

01 submit to search, and be prohibited from possessing a firearm or other dangerous weapon
02 (Dkt. 3 at 26.) Following an appeal, the defendant was re-sentenced on November 29, 2005 to
03 79 months in custody, 6 years supervised release. (Dkt. 3 at 34-36.) The case was transferred to
04 this District on July 2, 2009. (Dkt. 3.)

05 On October 21, 2009, defendant's probation officer reported that defendant had violated
06 the conditions of supervised release by leaving the District without permission. No action was
07 taken at the time. (Dkt. 4.)

08 On November 2, 2010, defendant's probation officer reported that defendant violated
09 the conditions of supervised release by using cocaine. He was reprimanded, placed in a
10 structured testing program with increased testing, and referred for professional assessment.
11 No further action was taken at the time. (Dkt. 5.)

12 On January 6, 2011, defendant admitted violating the conditions of supervised release
13 by using cocaine, failing to notify his probation officer within 72 hours of contact with law
14 enforcement, failing to participate in a substance abuse evaluation, and failing to report for
15 substance abuse testing. Defendant was also found to have violated supervised release by
16 committing the crime of Driving Under the Influence (DUI). (Dkt. 11.) On January 21, 2011,
17 defendant was sentenced to time served, 71 months supervised release. (Dkt. 15, 16.)

18 On August 4, 2011, defendant admitted violating the conditions of supervised release by
19 using cocaine, failing to report for urinalysis testing, and consuming alcohol. (Dkt. 24.) A
20 disposition hearing was scheduled for October 28, 2011. (Dkt. 25.)


21 In an application dated September 22, 2011 (Dkt. 27, 28), U.S. Probation Officer Angela
22 M. McGlynn alleged an additional violation of the conditions of supervised release:

4. Using cocaine on or before September 9, 2011 in violation of standard condition No. 7.

Defendant was advised in full as to those charges and as to his constitutional rights. Defendant agreed to submit the matter for resolution based on the violation report. I therefore recommend the Court find defendant violated his supervised release as alleged in violation 4, and that the Court conduct a hearing limited to the issue of disposition, to be incorporated with the violations pending disposition.

Pending a final determination by the Court, defendant has been detained.

DATED this 30th day of September, 2011.


Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Richard A. Jones
AUSA: Kate Vaughan
Defendant's attorney: Jay Stansell
Probation officer: Angela M. McGlynn